

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

ALBINA PIETRZEK, BASCIA MICHALAK,

No. C 11-01142 LB

Plaintiffs,

ORDER REMANDING CASE

v.

TARGET CORPORATION, EXCEL
BUILDING SERVICES, LLC,

Defendants.

On September 12, 2011, after the court granted leave to amend, Plaintiffs Albina Pietrzek and Bascia Michalak filed an amended complaint. *See* ECF No. 17.¹ The amended complaint is identical to the complaint previously filed as an exhibit to Plaintiff's Motion to Amend. *See* ECF No. 13-2.

As the court ruled when it gave leave to amend, the amended complaint - which adds Excel Building Services, a non-diverse defendant, and makes minimal changes to the factual allegations - destroys federal diversity jurisdiction. ECF No. 17 at 2, ¶ 5, 7. At the hearing the parties agreed, and the court now holds, that the court lacks subject-matter jurisdiction and that remand is appropriate and fair. *See* ECF No. 17 at 2, ¶ 7; ECF No. 16 at 4-5. *Carnegie-Mellon University v. Cohill*, 484 U.S. 343, 351 (1988).

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

1 All parties named in the amended complaint have consented to this court's jurisdiction.
2 Accordingly, the court now remands the case to Alameda County Superior Court.

3 **IT IS SO ORDERED.**

4 Dated: February 29, 2012



LAUREL BEELER
United States Magistrate Judge